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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,299	10/09/2001	Mark Gaston Maurits Cappelle	CAPP3001/JEK	5239

23364 7590 02/25/2004

BACON & THOMAS, PLLC  
625 SLATERS LANE  
FOURTH FLOOR  
ALEXANDRIA, VA 22314

EXAMINER
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GLESSNER, BRIAN E

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/869,299

Applicant(s)

CAPPELLE, MARK GASTON  
MAURITS

Examiner

Brian E. Glessner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-28,30-33,35-45 and 49-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-20 and 52 is/are allowed.
- 6) ☒ Claim(s) 1,3-15,21-26,28,30-33,35-37,39-45,49-51 and 53-65 is/are rejected.
- 7) ☒ Claim(s) 16,27 and 38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) g.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. Claims 1, 3, 4, 6, 13-15, 24, 26, 28, 30-33, 35-37, 39, 42-44, and 59-63 are rejected under 35 U.S.C. 102(b) as being anticipated by Supersberger (DE 91 17 169 U1).

In regard to claims 1, 59, and 63, Supersberger discloses a covering for a surface comprising a number of successive panels (figures 1-3), and fixing means therefore, said fixing means comprising holders 12 including fixing parts 13-15, said fixing parts arranged to engage and retain the panels in a disconnectable manner over a part of the thickness of the panels, said panels being mounted in rows, and after they have been mounted on the holders, they can be separated from their respective holders and removed without interference with the panels which are located in adjacent rows on either side. This is so because of the play, or space, located in the grooves of the connected elements. The panels also mesh on their edges by means of a tongue and groove joint, either directly or by means of an inserted element, said meshing including locating of a tongue within a groove. Although Supersberger does not specifically disclose how the panels function with respect to each other, he does disclose all of the structural features of the applicant's claims. Therefore, since Supersberger discloses all of the structural features of claims 1 and 59, Supersberger's device will inherently function in the same manner as applicant's claimed device. Where two devices contain all of the same structural limitations, it is known that they will inherently function in the same manner.

In regard to claims 3, 4, 60 and 61, Supersberger discloses the claimed invention, wherein the holders are each provided with at least two fixing parts 13, 14, and/or 15 made in one in one piece with the holders, and which are arranged so as to cooperate with two edges or portions of

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one and the same panel respectively. The holders comprise separate elements 12 that are fixable on a base, i.e. the base could be a wall, floor, or ceiling, and wherein each holder cooperates with a respective single panel. The examiner would like to point out that the applicant has not claimed that each holder cooperates with only a single panel. Therefore, since each holder of Supersberger's invention cooperates with at least a single panel, the claimed limitations are met.

In regard to claim 6, Supersberger discloses the claimed invention, wherein the holders include two fixing parts 14, 15 arranged to cooperate with edges or with panel portions situated near panel edges respectively of two adjacent panels.

In regard to claim 13, Supersberger discloses the claimed invention, wherein each fixing part includes features that facilitate a smooth, lateral, flexible bending, and so that in a direction perpendicular to the surface of the covering, a firm interlocking is enabled.

In regard to claims 14 and 62, Supersberger discloses the claimed invention, wherein said fixing parts 14, 15 comprise elastically bendable lips that are shaped by bending each lip backward out of the plane of the holder, and then forward again, cross-section view of figure 2.

In regard to claim 15, Supersberger discloses the claimed invention, wherein each of the holders is equipped with a combination of one or several fixing parts that are formed of said elastically bendable lips that are shaped by bending each lip backward out of the plane of the holder and then forward again, each said bendable lip further includes a hook-shaped part, i.e. the part that is bent parallel to the panels, and of one or more fixing parts that are provided with a relatively rigid hook-shaped part, and wherein at least one of the fixing parts also has an inclined guiding part, see figure 3. The inclined part is the part between parts 15 and above part 14. The

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examiner would also like to point out that the hook-shaped parts do not bend. Therefore, they are rigid. The bending occurs in the lips or U-shaped parts, see figure 2.

In regard to claim 24, Supersberger discloses the claimed invention, wherein the holders include positioning means, i.e. the flanges are the positioning means because they would be positioned against a mounting surface.

In regard to claim 26, Supersberger discloses the claimed invention, wherein the panels are provided with beveled edges (figure 1) that facilitate the turning in and out of the panels relative to each other.

In regard to claim 28, Supersberger discloses the claimed invention, wherein each holder comprises only one pair 14, 15 of fixing parts per panel to be held.

In regard to claims 30 and 32, Supersberger discloses the claimed invention, wherein the fixing means and the tongue and groove joint enable the panels to be rotated along the side of the tongue or groove during assembly and disassembly of the panels and holders. Since Supersberger discloses the claimed structural limitations, it is inherent that his invention will be capable of performing the same functions as applicant's claimed device.

In regard to claims 31 and 33, Supersberger discloses the claimed invention, wherein the fixing parts are located along the side of a tongue or groove, each of said fixing parts includes "features" that allow a smooth, lateral, flexible bending, so that in a direction perpendicular to the surface of the covering a firm interlocking is enabled. The shape of the fixing parts could be the "features" claimed by applicant. The applicant has not claimed any structural limitation that would distinguish his "features" from Supersberger's "features". Therefore, the claimed limitations are met.

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In regard to claim 35, Supersberger discloses the claimed invention, wherein said inserted elements (figure 2) are connected to one panel such that they always occupy a specific lateral position. As long as they are in a position, they will occupy a “specific” lateral position.

In regard to claims 36 and 37, Supersberger discloses the claimed invention, wherein the tongue and groove are formed in the panels and one of the tongue and groove is located outside a respective fixing part when the panels are engaged by the fixing parts. The tongue shown in figure 1 is located outside of the fixing part because it extends outward further than the fixing part. The fitting parts of the panels are arranged one after the other so that the parts are in the vicinity of each other when the panels are installed.

In regard to claim 39, Supersberger discloses the claimed invention, wherein the panels comprise laths.

In regard to claims 42 and 43, Supersberger discloses the claimed invention, wherein the panels have a “massive” core and are made of wood.

In regard to claim 44, Supersberger discloses the claimed invention, wherein the holders include fixing parts 13 on one side that are formed of a rigid, hook-shaped part.

2. Claims 59-63 and 65 are rejected under 35 U.S.C. 102(b) as being anticipated by Gwyther (4,395,858).

In regard to claims 59-63, Gwyther discloses a covering for a surface comprising a number of successive panels 14, 114 and fixing means 12 therefore, said fixing means comprising holders including fixing parts (at least parts 38, 40, 38a, 40a), said fixing parts arranged to engage and retain the panels in a disconnectable manner over a part of the thickness of said panels, said panels mounted on said holders in rows wherein the panels, after they having

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been mounted, are capable of being separated from their respective holders and removed without interference with the panels located in adjacent rows. Each fixing part includes “features” that facilitate a smooth, lateral, flexible bending so that in a direction perpendicular to the surface of the covering, a firm interlock is enabled. The holders each comprise separate elements that can be individually fixed on a base and cooperate with a single panel. The holder further comprises two fixing parts made in one piece with the respective holder and arranged to cooperate with two edges or edge portions of the same panel. Said fixing parts comprise elastically bendable lips that are shaped by bending each lip backward out of the plane of the holder and then forward again. The examiner would like to point out that the parts are at least bendable along the lines shown in figure 2 that contain the elements 34. Therefore, since Gwyther discloses all of the structural limitations of the claim, his device will inherently function in the same manner as applicant’s device.

In regard to claim 65, Gwyther discloses a covering for a surface, comprising a number of successive panels 14, 114 and a fixing means 12, said fixing means comprising holders including fixing parts (at least parts 38, 40, 38a, 40a) arranged to engage and retain the panels in disconnectable manner over a part of the thickness of the panels, said holders comprising thin, flat strips and said fixing means comprising fixing parts protruding from a surface of said strips. The thin flat part is the center section of the member 12 with the fixing parts 36, 38, 38a, 40, 40a and 46 protruding upwardly therefrom. Gwyther does not specifically refer to his covering as a floor covering. However, Gwyther’s covering contains all of the limitations of the applicant’s covering. Therefore, Gwyther’s covering is inherently capable of being used as a floor covering.

***Claim Rejections - 35 USC § 103***

3. Claims 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Supersberger (DE 91 17 169 U1).

In regard to claims 49-51, Supersberger discloses the basic claimed method for installing a covering formed of panels. Although Supersberger does not specifically come out and disclose all of the method steps claimed by applicant, all of the method steps can obviously be seen in the rejections of the apparatus claims above. The method steps claimed in claims 49-51 are merely the obvious method of assembling the device claimed in the apparatus claims.

4. Claims 1, 3-15, 21-26, 28, 30-33, 35-37, 39, 42-45, 49-51, and 53-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gwyther (4,395,858) in view of Supersberger (DE 91 17 169 U1).

In regard to claims 1, 3, and 6, Gwyther discloses a covering for a surface comprising a number of successive panels 14, 114, and fixing means 12, said fixing means comprising holders including fixing parts 38, 40, 38a, 40a, said fixing parts arranged to engage and retain the panels in a disconnectable manner over a part of the thickness of the panels. Said panels are mounted in rows, and in that the panels can be separated from the respective holders and removed without interference with adjacent panels. The holders are each provided with at least two fixing parts 38, 40, 38a, 40a made in one piece with the holders, and which are arranged so as to co-operate with two edges or portions of one and the same panel respectively, or with portion situated in the vicinity thereof, figures 2 and 6. Gwyther does not specifically disclose that said panels mesh on their edges by means of a tongue and groove joint or an inserted element, wherein said tongue is located in said groove. Supersberger teaches that it is known to use tongue and groove joints or



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inserted elements to connect adjacent panels in a panel covering system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use either of these two connecting methods to connect Gwyther's panels, because the tongue and grooves will help the panels to interlock. Therefore, the panels will be less likely to become separated. Also, the joints will not be as visible with said tongue and groove connection. Finally, the use of tongue and groove joints for connecting surface panels is notoriously well known in the art.

In regard to claim 4, Gwyther in view of Supersberger disclose the basic claimed invention, wherein the holders comprise separate elements 36, 36a, which are fixable on a base, and wherein each holder cooperates with a respective single panel.

In regard to claim 5, Gwyther in view of Supersberger disclose the basic claimed invention, wherein Supersberger further teaches that it is known to provide holders that include fixing devices that are arranged to cooperate with several panels situated next to each other. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Supersberger's teaching into Gwyther's invention, because by making the members 10 and 12 an integral holder, one would not have to assemble as many parts to form the covering. The longer holders could be attached with the holding means already in the correct location. Therefore, the assembly time would be faster.

In regard to claim 7, Gwyther in view of Supersberger disclose the basic claimed invention, including a spacer 10 and wherein said holders co-operate with said spacer.

In regard to claim 8, Gwyther in view of Supersberger disclose the basic claimed invention, wherein each holder includes a stopping part 46, wherein the stopping part is capable of being positioned against a panel or holder part of a covering that has already been installed.

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In regard to claim 9, Gwyther in view of Supersberger disclose the basic claimed invention, wherein the stopping part is formed of a protruding lip, which can obviously function as a spacer.

In regard to claim 10, Gwyther in view of Supersberger disclose the basic claimed invention, wherein the stopping part of the holder can be freely located against the edge of the panel that is being held by an adjacent holder, figure 6.

In regard to claim 11, Gwyther in view of Supersberger disclose the basic claimed invention, wherein each respective holder is provided with at least one stopping part on one edge, and opposite said stopping part with a portion that leaves the edge of a clamped-in panel free. The holder does not contain any portions opposite the stopping part. Therefore, the panel edge is free.

In regard to claim 12, Gwyther in view of Supersberger disclose the basic claimed invention, wherein the holders include clamping devices 36, 36a, which are arranged so as to enable the holders to be snapped-in on an underlying structure.

In regard to claims 13-15, Gwyther in view of Supersberger disclose the basic claimed invention, wherein each holder includes fixing parts 38, 40, 38a, 40a, each fixing part cooperates with the panels and facilitates a smooth lateral, flexible bending, so that in a direction perpendicular to the surface of the covering a firm interlock is enabled. Each of said fixing parts is formed of elastically bendable lips and at least one of lips is formed into a hook shaped portion 38, 38a, and the other of the lips is formed with a rigid hook-shaped part (40 and the portion connected to portion 40) and an inclined guiding part 40a.

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In regard to claims 21-23, Gwyther in view of Supersberger disclose the basic claimed invention, wherein said holders include gripping means 36, 36a, which provide a tight grip when said holder is secured on a base. Said gripping means comprise points of support 36a, which are located on either side of a fixing point, i.e. the middle of the holder, and which are made such that the holder is slightly bent when being secured, so that the holder is tightened against the base on said points of support when secured to on said base. The holders each only include one fastener fixing point, i.e. the center of the hold between the members 36.

In regard to claims 24 and 25, Gwyther in view of Supersberger disclose the basic claimed invention, wherein the holders include a positioning means 36. The examiner would like to point out that the means 36 can be used to represent both the gripping means disclosed in claims 21 and 22 as well as the positioning means disclosed in claims 24 and 25 because claims 21 and 22 and 24 and 25 are not dependent upon each other. They are dependent upon claim 1. Thus, the means 36 could represent either the gripping means or the positioning means. The positioning means 36 further comprises a supporting surface enabling the holder to be laterally pressed against a base, said supporting surface comprising an L-shaped seating together with the bottom side of the holder.

In regard to claim 26, Gwyther in view of Supersberger disclose the basic claimed invention, wherein the panels or the fixing parts are provided with beveled or rounded-off edges, which facilitate the turning in and out of the panels, figures 2, 3, and 6.

In regard to claim 28, Gwyther in view of Supersberger disclose the basic claimed invention, wherein the each holder comprises only one pair of fixing parts 38, 38a and 40, 40a per panel to be held.

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In regard to claims 30, 32, 36, and 37, Gwyther in view of Supersberger disclose the basic claimed invention, wherein the fixing means, as well as the tongue and groove joint, enable the panels to be rotated along the side of the tongue or groove during assembly and disassembly of the panels and holders. Once again, since the panels disclose all of the structural features of the applicant's claims, they are obviously capable of performing the same functions as applicant's claimed panels. Gwyther's panels further include a part of the tongue and groove that is located outside a respective fixing part when mounted. The tongue and groove are both located outside the fixing part when mounted, figure 6. The tongue and groove, or fitting parts, are each situated on one longitudinal edge of the panels and extend up to the "vicinity" of the fixing part of a following panel to be mounted.

In regard to claims 31 and 33, Gwyther in view of Supersberger discloses the basic claimed invention, wherein the fixing parts are located along the side of a tongue or groove, each of said fixing parts includes "features" that allow a smooth, lateral, flexible bending, so that in a direction perpendicular to the surface of the covering a firm interlocking is enabled. The shape of the fixing parts could be the "features" claimed by applicant. The applicant has not claimed any structural limitation that would distinguish his "features" from Gwyther in view of Supersberger's "features". Therefore, the claimed limitations are met.

In regard to claim 35, Gwyther in view of Supersberger disclose the basic claimed invention, wherein the inserted elements are connected to one panel such that they always occupy a specific lateral location.

In regard to claim 39, Gwyther in view of Supersberger disclose the basic claimed invention, wherein the panels consist of laths.

In regard to claims 42 and 43, Gwyther in view of Supersberger disclose the basic claimed invention, wherein the panels have a “massive” core and are made of wood.

In regard to claim 44, Gwyther in view of Supersberger disclose the basic claimed invention, wherein the holders include fixing parts on one side that are formed of a rigid, hook-shaped part. The examiner would like to point out that the hook-shaped part does not move. Therefore, it is rigid. The member bends along the lines containing elements 34 and along the line that connects the hook shaped part 40, 40a to the planar part, see figure 2.

In regard to claim 45, Gwyther in view of Supersberger disclose the basic claimed invention, except for specifically disclosing that two or more panels are connected at their crosscut ends by means of an accessory having a body and bent edges formed on said body which co-operate with the edges of the panel. Gwyther's clip 12 has a body and bent edges that co-operate with the edges of the panels. It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate at least one of the clips 12 at the ends of two adjacent panels, because by placing the member 12 at the ends of two adjacent panels, the member 12 will prevent the ends from moving or becoming uneven. Further, rearranging parts of an invention involves only routine skill in the art.

In regard to claims 49-51, Gwyther in view of Supersberger disclose the basic claimed method for installing a covering formed of panels, which are provided with a tongue and a groove respectively on at least two opposite edges, comprising mounting holders 12 with fixing parts 38, 40, 38a, 40a, which can work in conjunction with said panels, and then hooking each panel in a respective holder with one panel edge and then rotating the panel into the plane of the covering so that not only are the panels fixed between the fixing parts of the holders, but also

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said tongue and groove are coupled together by inserting the tongue in the groove. The panels are also shifted so that the panels with their edge, which is provided with the groove over the tongue of a previously installed panel, or vice versa, said interlocking part of the holder being laterally bent, so that a hooking-in is achieved on the opposite interlocking part. Gwyther in view of Supersberger also disclose a method of removing the panels by reversing the steps disclosed in claims 49 and 50.

In regard to claims 53-58, Gwyther in view of Supersberger disclose that the panels and fixing parts have beveled and rounded off edges to facilitate turning of the panels relative to each other. The bevels and rounded edges can be seen in the figures.

5. Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gwyther (4,395,858) in view of Supersberger (DE 91 17 169 U1) and further in view of Pervan (6,516,579).

In regard to claims 40 and 41, Gwyther in view of Supersberger disclose the basic claimed invention except for specifically disclosing that the panels included connecting devices on their crosscut sides, wherein the connecting devices provide for an interlocking, both in a direction which is at right angles to the surface of the covering and in a direction parallel to the surface of the covering. Pervan teaches that it is known to attach panels along their longitudinal sides and their crosscut sides to provide an interlocking means, figures 4a and 4b. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the connecting devices on the crosscut sides of Gwyther in view of Supersberger's invention, because the connecting devices will prevent the ends of the panels from becoming misaligned. They will also prevent one panel from becoming higher than an adjacent panel.

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6. Claim 64 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gwyther (4,395,858).

In regard to claim 64, Gwyther discloses a covering for a surface comprising a number of successive panels 14, 114 and a fixing means 12, said fixing means comprising holders including fixing parts, said fixing parts arranged to engage and retain the panels in a disconnectable manner over a part of the thickness of the panels, said holders comprising separate elements fixable on a base 10, wherein each holder cooperates with a respective single panel, a spacer cooperating with said holders, said spacer comprising a profile. Gwyther does not specifically disclose that said holders are made of plastic. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use plastic for the holders, because plastic is known to be easily moldable and resilient. Also, plastic is inexpensive and is known to have good elastic properties. Finally, the applicant even discloses in his specification that the holders could be made of metal or plastic. Therefore, it appears that both materials would be equivalent for their use in the holder art. Thus, it seems that the use of plastic or metal is not a critical feature of the claimed device, and one having ordinary skill in the art would be capable of determining the most suitable material for a given situation.

***Allowable Subject Matter***

Claims 16, 27, and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. This holding of allowable subject matter is provisional and subject to reconsideration upon receipt of the amended claims to comply with the specifications set forth in 35 U.S.C. 112, second paragraph.

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7. Claims 17-20 and 52 are allowed.

The examiner would also like to note that claims 3-15, 21-28, 35, and 37-45 would be allowable if they were only dependent directly or indirectly upon claim 52. Said claims are presently rejected as being dependent directly or indirectly on claim 1.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1, 3-15, 21-26, 28, 30-33, 35-37, 39-45, 49-51, and 53-65 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Glessner whose telephone number is 703-305-0031. The examiner can normally be reached on Monday-Friday 7:00-5:00.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B.G.  
February 13, 2004

  
**BRIAN E. GLESSNER**  
**PRIMARY EXAMINER**